

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TEXAS
_____ DIVISION

FILED

FEB 23 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

Robert Ray Roberts JR 1099836

Plaintiff's Name and ID Number

Bexar County Adult Detention Center
200 N. Comal St. SA, TX 78207

Place of Confinement

SA21CA0174FB

CASE NO.

(Clerk will assign the number)

v.
TEXAS DEPARTMENT OF FAMILY CHILD PROTECTIVE SERVICES
SERVICES (BEXAR COUNTY) SAN ANTONIO
3535 SE Military Dr. SA, TX 78223

Defendant's Name and Address

SAN ANTONIO Police Department

315 South SAN ANTONIO SA, TX 78207

Defendant's Name and Address

City of San Antonio, Texas
100 Military Plaza SA, TX 78205

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES ~~NO~~
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: BEXAR COUNTY Adulthood Detention Center 200 N. Comstock St. 78202

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: _____

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: DANIEL GONZALES Snpd supervisor #3251 315 south Santolosa
SAN ANTONIO, TX 78207

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He went into my home without permission OR A warrant

Defendant #2: DAVID Bierman Detective snpd 2334 7130 Hwy 90 West
SAN ANTONIO, TEXAS

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He made up Page 4 of his Charge and Disposition Report

Defendant #3: Jeanne Obermann Cps Caseworker 3635 SE
Military San Antonio Texas 78223

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Lied Under Oath in a termination case Multiple times on Record

Defendant #4: Monica Montoya Cps investigator 3635 SE Military
Dr. 78223

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Lied About her report Affidavit in support of New Exigent Removal of children

Defendant #5: Cecilia Herrera Cps Supervisor
3635 SE Military Dr SAN ANTONIO TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Not reporting facts accurately in the interest of the children Cps Supervisor

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Sapd officer Daniel Gonzalez #3251 Came to my home, left my home and came back an hour later with no warrant and came into my home without permission. I viewed Cohen of Sapd officer Dmitriev #912 asked #3251 Does Torrey not Torrey have a warrant he said "No" when in fact she had a felony warrant for possession in a school zone. Per DUD of #912 and #3251 didn't know whom they were to locate officer Gonzalez #3251 didn't have Sapd report 1423654 that was available to him at all times. unwritten procedure or policy that trains Police know better but ignore.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

4 million Dollars for pain and suffering, defamation of character. Immediately implement policies, procedures and hiring and training processes to prevent future violations. Promote the best interest of the children. An order requiring the removal of my name from birth

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Robert Ray Robert Smith Robert Roy Roberts, Robert Roberts, Robert Ray.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you

TDCJ 555116 DEWAS TX 1099836 NEVADA 1798673

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

• CONTINUE • V. STATEMENT OF CLAIM

(#2) DAVID Bierman Detective SApd #2334 made up Page 4 of 12 of his Charge and Disposition report Document 2,3,4. 11/27/2017 never happened there is no SApd 17261775. HE States SApd report 1423654 was Generated 11/27/2017 when it was generated 12/28/2017 that report police say they can't go into my home without permission or warrant the three officers left my Home without incident. However he Claims Several officers came A Crime Scene Investigator, witnesses All of that never happened. There was NO Complaint At All BUT He States there was an interview with a sexual assault it all is fabricated. Bierman Claims Active Runaway that's why they went into my Home When 18066205 States probable Cause. 12/7/2017 there was no interview at the PSHQ or an interview at Childsate. Following an unwritten Policy to indict, Prosecute indigent defendants.

(#3) Jeanna Obermayr (PS) Caseworker In Trial Case 2018-PA-00816 Lied in court and later knew she lied first she stated Foster Parents Beat my Children then she stated she had no knowledge of that. She stated I never Passed A U.A. when in fact I went to Quest Diagnostics 3859 E. Southcross B SA TX 78222 and she was the one that set up the appointment. She stated I never started any classes when in fact I went to Neighborhood Place 3014 Rivers Street SA TX 78228 for Parenting classes until Foster Parents started Beating my Children. She knew we had a 6 bedroom 2 1/2 bath ready for our children but she failed to state this for the Courts consideration.

-Continue- V. Statement of Claim

(#4) Morrica Montoya CPS investigator lied on her Affidavit emergency removal order. Claiming on April 13, 2018 we lied about an appointment for our child when in fact April 13, 2018 at Summitario Children's Surgical Center at 8:30am at 8706 Fredericksburg Rd SA TX 78240 (210) 714-2488 we had Tonsillectomy scheduled. She stated for me to give her a drug swab she demanded or shed take the children I gave it to her AND I PASSED IT TOO IT WAS Negative. She stated if we didnt allow her entrance shed remove the children. She never followed the Safety Plan she set out she just took the children when we took them to Day Care. She Claimed our oldest Daughter was Sexually Abused when in fact that was Proved to be a lie too. which isnt in the best interest of the Children.

(#5) Cecilia Herrera CPS Supervisor Knew of two U.A. passed by me and of my working with Crimestopper that placed my ground drugs that Bonded to my hair at a faster rate cause of Melanin in my Hair. I gave her A TITLE 7 of the Civil Rights Act of 1964 of the EEOC. She failed to report this or that we had A 6bdroom 2 1/2 bath that was \$1,500,00. and she failed to report that I had Started Classes she failed to Apply Policy to information or to help her workers to implement procedures there is an unwritten Policy to deny Parents rights, to take children from indigent defendants

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): _____
 2. Case number: _____
 3. Approximate date warning was issued: _____

Executed on: 2/12/2021
DATE

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this (Friday) 12th day of February, 20 21.
(Day) (month) (year)

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.